

FILED

JUN 22 2016

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

KERMIT POULSON,

Petitioner,

vs.

STATE OF MONTANA; LEROY
KIRKEGARD,

Respondents.

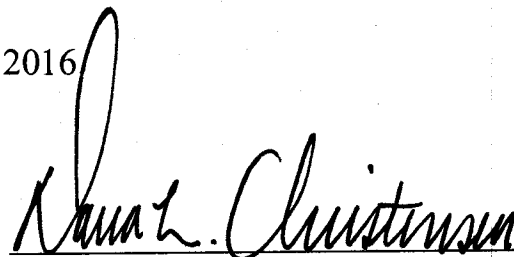
Cause No. CV 16-18-M-DLC

ORDER TO CLERK

On June 22, 2016, Petitioner Poulson filed a motion to dismiss his petition. Respondents have not yet appeared in the case. Poulson states that he agrees he failed to exhaust his state remedies. Dismissal for failure to exhaust is made without prejudice. *Slack v. McDaniel*, 529 U.S. 473, 485-86 (2000). Poulson's motion is more accurately characterized as a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i).

Accordingly, the Clerk is directed to treat Poulson's motion to dismiss (Doc. 32) as a notice of voluntary dismissal under Fed. R. Civ. P. 41.

DATED this 22nd day of June, 2016



Dana L. Christensen, Chief Judge
United States District Judge